

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, NAGPUR.**

CRIMINAL APPLICATION (APL) NO. 221 OF 2021

1. Pawan @ Gopal Ramesh Sangole,
Age-27 years, Occ- Agriculturist,
R/o. Malipura, Shegaon, Dist. Buldhana
2. Puja Santosh Wawre,
Aged About 28 , Occ.: Household,
R/o. C/o. Ramesh Sangole, Malipura,
Shegaon, Dist. Buldhana.

.... **APPLICANTS.**

// **VERSUS** //

State of Maharashtra,
Through P.S.O., PS Shegaon City,
Dist. Buldhana.

.... **NON-APPLICANT.**

Shri M.N.Ali, Advocate for Applicants.
Shri S. P. Deshpande, A.P.P. for Non-applicant /State.

CORAM : Z.A.HAQ AND AMIT B. BORKAR, JJ.
DATED : FEBRUARY 26, 2021.

ORAL JUDGMENT : (Per : Amit Borkar, J.)

1. Heard.
2. **RULE.** Rule made returnable forthwith.

3. By this application under Section 482 of the Code of Criminal Procedure, original accused and the complainant have challenged registration of the First Information Report bearing Crime No.471 of 2020 for the offence punishable under Section 376 and 506 of the Indian Penal Code, registered with non-applicant No.1 Police Station and consequent charge-sheet bearing No.15 of 2021 filed before District Judge-1 and Additional Sessions Judge, Khamgaon.

4. The First Information Report came to be registered against the applicant No.1 with the accusations that the applicant No.1 committed forcible sexual intercourse with the non-applicant No.2. Consequent to the registration of the First Information Report, charge-sheet was filed against the applicant No.1. During pendency of the proceedings before learned District Judge-1 and Additional Sessions Judge, Khamgaon the parties have arrived at settlement and have resolved their dispute. It is stated in the application that the First Information Report came to be registered against the applicant No.1 due to misunderstanding and quarrel between the applicant Nos.1 and 2. The applicants, informant and the accused have therefore, challenged registration of the First Information Report and filing of charge-sheet against the applicant No.1.

5. During pendency of the present application, the applicant No.1 has volunteered to deposit an amount of Rupees Twenty Thousand towards costs of unnecessarily engaging prosecution agency to carryout investigation.

6. We have carefully considered the allegations in the First Information Report and material in the charge-sheet. Since the applicant Nos. 1 and 2 have settled their dispute, the chances of conviction are weak. Therefore, in view of the judgment of the Apex Court in the case of *Madan Mohan Abbot..vs..State of Punjab*, reported in (2008)4 SCC 582, we are satisfied that the First Information Report and the charge-sheet against the applicant No.1 deserves to be quashed and set aside.

7. We, therefore, pass the following order:

- i) The First Information Report No.471 of 2020 and consequent charge-sheet bearing No.15 of 2021 filed before District Judge-1 and Additional Sessions Judge, Khamgaon for the offences punishable under Sections 376 and 506 of the Indian Penal Code, is quashed and set aside.
- ii) The amount of Rupees Twenty Thousand, deposited with the Registry of this Court, be made over to the non-applicant No.1.

Rule is made absolute in the above terms.

(AMIT B. BORKAR, J)

(Z.A.HAQ, J)